

Notice of Allowability

Application No.

09/409,338

Examiner

Callie E. Shosho

Applicant(s)

YAMADA ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/8/04.
2. ☒ The allowed claim(s) is/are 1,5,9,10,13 and 14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Statement of Reasons for Allowance

1. In the office action mailed 2/11/04, the only rejections of record were those under 35 USC 112, 2nd paragraph.

Applicants' amendment filed 4/8/04 overcomes the 35 USC 112, 2nd paragraph rejections of record.

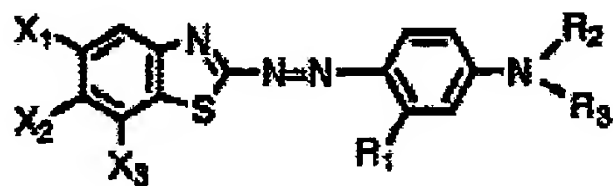
Thus, the present claims are allowable over the "closest" prior art Nigam et al. (U.S. 5,973,025), Bates et al. (U.S. 5,958,999), and JP 06184480 for the following reasons:

In the amendment filed 11/20/03, applicant amended claims 1 and 9 in order to delete the azo dye of formula (VI) from the claims. All present claims now require dye that is azomethine dye of presently claimed formula (III) or an azo dye of presently claimed (V).

Nigam et al. disclose ink jet ink possessing viscosity of 1.5-15 cP wherein the ink comprises aqueous medium, glycerol, dye, and basic polymer having side chain containing 1-imidazolyl. However, there is no disclosure in Nigam et al. of azomethine dye of presently claimed formula (III) or an azo dye of presently claimed (V) as required in all present claims.

Bates et al. disclose ink jet ink comprising aqueous medium, glycerol, dye, and basic polymer having side chain containing 1-imidazolyl. However, there is no disclosure in Bates et al. of azomethine dye of presently claimed formula (III) or an azo dye of presently claimed (V) as required in all present claims.

JP 06184480 discloses ink jet ink comprising dye of the formula:



However, in light of the amendment filed 11/20/03, the dye disclosed by JP 06184480 is outside the scope of the present claims. There is no disclosure or suggestion in JP 06184480 of azomethine dye of presently claimed formula (III) or an azo dye of presently claimed (V) as required in all present claims.

Thus, it is clear that Nigam et al., Bates et al., or JP 06184480, either alone or in combination, do not disclose or suggest the present invention.

In light of the above, the present claims are passed to issue.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

Art Unit: 1714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Callie E. Shosho
Primary Examiner
Art Unit 1714

CS

4/21/04